

**AMENDMENT TO H.R. 4364, AS REPORTED**  
**OFFERED BY MR. ROBERT GARCIA OF**  
**CALIFORNIA**

At the end of the bill (before the short title), insert the following:

1       SEC. \_\_\_\_\_. None of the funds made available by  
2 this Act may be used for testing applicants for marijuana  
3 (as defined in section 102(16)(A) of the Controlled Sub-  
4 stances Act (21 U.S.C. 802(16)(A)), except for positions  
5 listed as Presumptive Testing Designated Positions by the  
6 Selection of Testing Designated Positions Guidance under  
7 the Federal Drug-Free Workplace Program established  
8 pursuant to Executive Order 12564, in—

9           (1) any of the States of Alabama, Alaska, Ari-  
10       zona, California, Colorado, Connecticut, Delaware,  
11       Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky,  
12       Louisiana, Maine, Maryland, Massachusetts, Michi-  
13       gan, Minnesota, Mississippi, Missouri, Montana, Ne-  
14       vada, New Hampshire, New Jersey, New Mexico,  
15       New York, North Carolina, Ohio, Oklahoma, Or-  
16       egon, Pennsylvania, Rhode Island, South Carolina,  
17       Tennessee, Texas, Utah, Vermont, Virginia, Wash-  
18       ington, and Wisconsin; or

1           (2) the District of Columbia, Puerto Rico, the  
2           Northern Mariana Islands, the Virgin Islands of the  
3           United States, or Guam.

